

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re: :
: **Case No.: 19-16788**
Heather N Lightle : **Chapter 13**
Thomas J Lightle : **Judge Eric L. Frank**
: * * * * *

Debtor(s)

Wells Fargo Bank, N.A. : **Date and Time of Hearing**
Movant, : **Place of Hearing**
vs : **May 10, 2022 at 09:30 a.m.**

Heather N Lightle
Thomas J Lightle

Kenneth E. West

Respondents.

If the debtor has been negatively impacted by COVID-19, the debtor may contact Wells Fargo Home Mortgage to discuss a personalized solution at 1-800-274-7025. Written attorney consent may be required to speak directly with the debtor about these options.

**MOTION OF WELLS FARGO BANK, N.A. FOR RELIEF FROM THE AUTOMATIC
STAY ON FIRST MORTGAGE FOR REAL PROPERTY LOCATED AT 1314 7TH AVE,
SWARTHMORE, PA 19081**

Wells Fargo Bank, N.A. ("Creditor"), by and through the undersigned counsel, moves the Court pursuant to 11 U.S.C. § 362(d) for an Order granting relief from the automatic stay on the real property located at 1314 7th Ave, Swarthmore, PA 19081 ("Property"). In support of its motion, Creditor states the following:

1. Heather N Lightle and Thomas J Lightle (collectively, "Debtor") filed a petition for relief under Chapter 13 of the Bankruptcy Code on October 30, 2019 (the "Petition Date").
2. On May 28, 2013, Debtor executed a Note in the original amount of \$162,902.00 (the "Note"). A copy of the Note is attached hereto as Exhibit A.

3. To secure the Note, a Mortgage was given May 28, 2013 and recorded June 14, 2013. A copy of the Mortgage is attached as Exhibit B, evidencing perfection of Creditor's security interest in the Property which is more particularly described in the Mortgage.
4. Debtor(s) executed a promissory note secured by a mortgage or deed of trust. The promissory note is either made payable to Creditor or has been duly indorsed. Creditor, directly or through an agent, has possession of the promissory note. Creditor is the original mortgagee or beneficiary or the assignee of the mortgage or deed of trust.
5. There are no other liens against the property as listed in Debtor's Schedule D.
6. As of April 7, 2022 the total outstanding amount due on the Note is \$101,052.63 which consists of:

Principal	\$92,123.59
Interest	\$3,673.74
Escrow advance	\$9,450.04
Late charges	\$54.79
Other Fees	\$0.00
Suspense funds	\$(4,249.53)

7. Creditor seeks relief from the automatic stay pursuant to 11 USC § 362(d) to proceed under applicable non-bankruptcy law to enforce its remedies to repossess and sell the Property.
8. Creditor is entitled to relief from the automatic stay for the following reason(s):
 - a. Creditor is not adequately protected per 11 USC § 362(d)(1) based upon Debtor's post-petition default.
 - b. Debtor is in default post-petition. Debtor has failed to make full post-petition payments for the past 5 months as of April 7, 2022 and is in default in the amount of \$7,490.27. This amount is broken down as follows:

<u>Post Petition Payments Delinquent to Creditor</u>		
Date Range	Amount	Total
December 2021 to December 2021	\$1,727.09	\$1,727.09
January 2022 to April 2022	\$1,776.13	\$7,104.52
Suspense: \$(1,341.34)		
Total: \$7,490.27		

9. Creditor requests that the Court order that Rule 4001(a)(3) is not applicable.
10. Creditor further requests that further compliance with Fed.R.Bankr.P. 3002.1 be waived as to creditor in the instant bankruptcy case upon entry of an Order granting relief from the automatic stay.

WHEREFORE, Creditor prays for the entry of the attached Order Granting Relief from the Automatic Stay.

Respectfully submitted,

/s/ Alyk L. Oflazian

Alyk L. Oflazian, Esquire (312912)

Adam B. Hall (323867)

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Attorneys for Creditor

The case attorney for this file is Alyk L. Oflazian.

Contact email is

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CERTIFICATE OF SERVICE

I certify that on the date of filing, a copy of the foregoing Motion of Wells Fargo Bank, N.A. for Relief from the Automatic Stay on First Mortgage for Real Property located at 1314 7th Ave, Swarthmore, PA 19081 was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System:

Office of U.S. Trustee, Party of Interest, (Registered address)@usdoj.gov

Kenneth E. West, Chapter 13 Trustee, ecfemails@ph13trustee.com

Brad J. Sadek, Attorney for Heather N Lightle and Thomas J Lightle, brad@sadeklaw.com

I certify that on the date of filing, a copy of the foregoing document was sent by U.S. Mail to the following:

Heather N Lightle and Thomas J Lightle, 1314 7th Avenue, Swarthmore, PA 19081

/s/ Alyk L. Oflazian